

Bulletin

April 2008



Utah State
Tax Commission

Cigarettes Sold in Utah Must be Fire-Safe Compliant

Effective July 1, 2008, only cigarettes meeting low ignition propensity standards may be sold in Utah (Utah Code §53-7-401 through §53-7-411). Commonly referred to as fire-safe, these cigarettes have a reduced propensity to burn when left unattended and are manufactured to prevent injuries and devastation from cigarette-ignited fires. The most common self-extinguishing technology used by cigarette manufacturers is to wrap cigarettes with two or three thin bands of less porous paper that act as 'speed bumps' to slow down a burning cigarette.

Distributors, Wholesalers, and Retailers

Distributors, wholesales, and retailers may sell their inventory of non self-extinguishing cigarettes existing on or after July 1, 2008, if they can establish:

1. state tax stamps were affixed to the cigarettes prior to the effective date, and
2. the inventory was purchased prior to the effective date in comparable quantity to the inventory purchased during the same period of the prior year.

Products not appearing in Utah State Tax Commission Publication 51, *Utah Cigarette and RYO Authorized Brands*, are prohibited, may not be stamped, and are subject to confiscation as contraband. Retail sales violations may result in a civil penalty of up to \$1,000 for the first violation and up to \$5,000 for a subsequent violation. Retailers will be allowed to sell products stamped for sale and purchased prior to July 1, 2008 until Jan. 1, 2009. Purchase documentation must be made available upon request.

Manufacturers

No cigarettes may be sold or offered for sale in Utah unless they have been tested, meet the performance standards, have been certified by the state fire marshal, and are clearly marked. Each manufacturer must submit a written certification to the state fire marshal:

1. attesting that each cigarette listed has been tested and meets required performance standards;
2. listing and describing each brand style (brand or trade name, style, length, circumference, flavor, filter or no filter, and package description) separately; and
3. identifying the required package markings.

Each cigarette certified as fire-safe for sale in Utah must be re-certified as fire-safe every three years.

A certified cigarette that is altered in a manner that is likely to alter its compliance with the low ignition propensity standards may not be sold or offered for sale in Utah until it has been retested.

Package Markings

All packaging for self-extinguishing cigarettes approved for sale in Utah must be marked to indicate compliance with Utah Code §53-7-403. A manufacturer may use only one marking, which must be applied on all packages, including packs, cartons, cases, and any brands marketed by that manufacturer. The marking must be:

- a visible mark near the UPC code;
- any combination of letters, numbers or symbols at least eight-point type or larger;
- printed, stamped, engraved or embossed on the cigarette package or cellophane wrap; and
- designated to indicate the cigarettes meet fire-safe standards.

See examples on the other side of this bulletin.

The manufacturer must submit its proposed marking to the state fire marshal for approval and may not modify the marking without additional approval from the state fire marshal. The state fire marshal shall approve or disapprove the marking offered. Any marking in use and approved for sale in New York pursuant to the New York Fire Safety Standards for Cigarettes shall be approved by the Utah fire marshal for use in Utah.

Certification

To obtain approval to sell fire-safe cigarettes in Utah effective July 1, 2008, submit written certification documentation and the certification fee (\$250 per brand style) by April 30, 2008 to:

Utah Department of Public Safety
Office of the State Fire Marshal
5272 South College Drive, Ste. 302
Murray, UT 84123-2611

For more information, visit www.firemarshal.utah.gov



Utah State Tax Commission
210 North 1950 West
Salt Lake City, Utah 84134

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Examples: compliant FSC markings

